

FISCAL MEMORANDUM

SB 1322 – HB 1834

May 25, 2007

SUMMARY OF AMENDMENT (009340): Limits the “crime of force or violence” offenses to attempted second degree murder, aggravated robbery and aggravated rape. Increases the penalty for such offenses committed by persons acting in concert one classification higher than if the defendant had acted alone. Requires offender who commits the existing Class A felony of aggravated rape in concert with two or more persons to be sentenced at the maximum range.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures - \$12,493,100 / Incarceration*

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures - \$7,399,600 / Incarceration*

Assumptions applied to amendment:

- The Department of Correction (DOC) estimates that 12 percent of attempted second degree murder, aggravated robbery, and aggravated rape crimes were committed while acting in concert with two or more persons.
- In 2006, 21 offenders were convicted of aggravated rape. Assume 12 percent of those (3) would have been acting in concert with two or more persons and would be sentenced one classification higher. Three persons will be convicted of the Class A felony offense of aggravated rape while acting in concert with two or more persons in the first year and will serve additional time on their sentences. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on three offenders serving an additional 4.25 years (an increase from 17.0 years to 21.25 years).
- According to DOC, the average operating cost per inmate per day for calendar year 2007 is \$60.16. The cost per inmate at 17.0 years is \$373,548.48 (\$60.16 x 6,209.25 days). The cost per inmate at 21.25 years is \$466,961.92 (\$60.16 x 7,762 days). The additional cost from increasing the average sentence length from 17.0 years to 21.25 years is \$93,413.44

(\$466,961.92 - \$373,548.48). The total additional operating cost for three offenders is \$280,240.32 (\$93,413.44 x 3).

- In 2006, 73 offenders were convicted of the Class B felony of attempted second degree murder. Assume 12 percent (9) of those were committed in concert with two or more persons and will be convicted of the Class A felony offense of attempted second degree murder in the first year as a result of this bill. Population growth of 1.09 percent per year will result in one person in the tenth year. The maximum cost in the tenth year is based on 10 offenders. Ten persons will serve an additional 3.6 years (an increase from 2.4 years to 6.0 years). The cost per inmate at 2.4 years is \$52,736.26 (\$60.16 x 876.60 days). The cost per inmate at 6.0 years is \$131,840.64 (\$60.16 x 2,191.50 days). The additional cost from increasing the average sentence length from 2.4 years to 6.0 years is \$79,104.38 (\$131,840.64 - \$52,736.26). The total additional operating cost for 10 offenders is \$791,043.80 (\$79,104.38 x 10).
- In 2006, 602 persons were convicted of the Class B felony offense of aggravated robbery. Assume 12 percent (72) of those crimes were committed in concert with two or more persons and will be convicted of the Class A felony offense of aggravated robbery. Population growth of 1.09 percent per year will result in eight additional offenders in the tenth year serving an additional 3.6 years (an increase from 2.4 years to 6.0 years) as a result of this bill. The maximum cost in the tenth year is based on 80 offenders serving an additional 3.6 years. The cost per inmate at 2.4 years is \$52,736.26 (\$60.16 x 876.60 days). The cost per inmate at 6.0 years is \$131,840.64 (\$60.16 x 2,191.50 days). The additional cost from increasing the average sentence length from 2.4 years to 6.0 years is \$79,104.38 (\$131,840.64 - \$52,736.26). The total additional operating cost for 80 offenders is \$6,328,350.40 (\$79,104.38 x 80).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/LSC